

**Affidavit to Accompany**  
**Motion for Leave to Appeal in Forma Pauperis**

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FILED IN CLERK'S OFFICE  
US COURT OF APPEALS  
FOR THE FIRST CIRCUIT

District Court No. 97-cr-0071  
Appeal No. 06-2061 and 06-2062

v.

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CLERK'S OFFICE  
U.S. DISTRICT COURT  
SAN JUAN, PR

**Affidavit in Support of Motion**

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct.(28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed: Jose Luis Diaz Fontanez

**Instructions**

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: 8/23/06

My issues on appeal are:

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Self-employment	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>

Income source	Average monthly amount during the past 12 months	Amount expected next month		
	You	Spouse	You	Spouse
	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Gifts	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Alimony	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Child support	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Retirement (such as social security, pensions, annuities, insurance)	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Disability (such as social security, insurance payments)	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Unemployment payments	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Public-assistance (such as welfare)	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Other (specify): _____	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Total Monthly income:	\$ N/A	\$ N/A	\$ N/A	\$ N/A

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

Employer	Address	Dates of Employment	Gross monthly pay
METALLY	PUERTO RICO	1992	\$350.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

3. List your spouse's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	N/A
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. How much cash do you and your spouse have? \$ NONE

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
<u>NONE N/A</u>	<u>NONE N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
		\$ _____	\$ _____
		\$ _____	\$ _____

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account. Attached is a copy of my account since my arrival at this institution. Prior to here, I was in FDC Puerto Rico for 3 months, but in order for this affidavit to be timely, I do not have a copy of that account. If that is still needed, please let me know, and I will write to them for a copy, but will need additional time.  
*(45-60 days)*

5. List the assets, and their values, which you or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	(Value)	Other real estate	(Value)	Motor Vehicle #1	(Value)
<u>NONE</u>		<u>N/A</u>		Make & year: <u>N/A</u>	
				Model: _____	
				Registration#: _____	
Motor Vehicle #2	(Value)	Other assets	(Value)	Other assets	(Value)
Make & year: <u>NONE</u>		<u>N/A</u>		<u>N/A</u>	
Model: _____					
Registration#: _____					

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>NONE N/A</u>	<u>NONE N/A</u>	<u>NONE N/A</u>

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You \$ N/A	Spouse \$ N/A
Rent or home mortgage payment (include lot rented for mobile home)	\$ N/A	\$ N/A
Are any real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and Telephone)	\$ N/A	\$ N/A
Home maintenance (repairs and upkeep)	\$ N/A	\$ N/A
Food	\$ N/A	\$ N/A
Clothing	\$ N/A	\$ N/A
Laundry and dry-cleaning	\$ N/A	\$ N/A
Medical and dental expenses	\$ N/A	\$ N/A
Transportation (not including motor vehicle payments)	\$ N/A	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ N/A	\$ N/A
Insurance (not deducted from wages or included in Mortgage payments)	\$ N/A	\$ N/A
Homeowner's or renter's	\$ N/A	\$ N/A
Life	\$ N/A	\$ N/A
Health	\$ N/A	\$ N/A
Motor Vehicle	\$ N/A	\$ N/A
Other: <u>NONE</u>	\$ N/A	\$ N/A
Taxes (not deducted from wages or included in Mortgage payments)(specify): <u>NONE N/A</u>	\$ N/A	\$ N/A
Installment payments	\$ N/A	\$ N/A
Motor Vehicle	\$ N/A	\$ N/A
Credit card (name): <u>NONE N/A</u>	\$ N/A	\$ N/A
Department store (name): <u>N/A</u>	\$ N/A	\$ N/A
Other: <u>NONE N/A</u>	\$ N/A	\$ N/A

Alimony, maintenance, and support paid to others	\$ N/A	\$ N/A
Regular expenses for operations of business, profession, or farm (attach detailed statement)	\$ N/A	\$ N/A
Other (specify): <u>NONE N/A</u>	\$ N/A	\$ N/A
Total monthly expenses:	\$ N/A	\$ N/A

9. Do you expect any major changes to your monthly income or expenses in your assets or liabilities during the next 12 months?

Yes  No If yes, describe on an attached sheet.

10. Have you paid — or will you be paying — an attorney any money for services in connection with this case, including the completion of this form?  Yes  No

If yes, how much? \$ \_\_\_\_\_

If yes, state the attorney's name, address, and telephone number:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Have you paid — or will you be paying — anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes  No

If yes, how much? \$ \_\_\_\_\_

If yes, state the person's name, address, and telephone number:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal. I have been incarcerated since 1993, and make less than 12¢ an hour a day.

13. State the address of your legal residence.

Federal Correctional Complex-Coleman-Medium

P.O. Box 1032, Coleman, Florida 33521-1032

Your daytime phone number: ( ) none N/A

Your age: 32 Your years of schooling: 9th